

**Before the
Federal Communications Commission
Washington, D.C. 20554**

In the Matter of)	
)	
Local Number Porting Interval and Validation Requirements)	WC Docket No. 07-244
)	
Telephone Number Portability)	CC Docket No. 95-116
)	
Embarq Petition for Waiver of Deadline)	

**COMMENTS OF
THE UNITED STATES TELECOM ASSOCIATION**

Pursuant to the Commission's January 23, 2008 *Public Notice*,¹ USTelecom is pleased to submit comments in support of the Embarq Petition for Waiver of Deadline filed on January 11, 2008.² Embarq requests a limited waiver pursuant to Section 1.3 of the Commission's rules (47 C.F.R. § 1.3) of the deadline for compliance with the Commission's *Declaratory Ruling* precluding carriers from requesting more than four specified data fields for purposes of validating local number portability (LNP) requests.³ Embarq has shown good cause for deferring the effective date for its compliance with the *Declaratory Ruling*'s current deadline, which would require Embarq to make substantial changes in an ordering system that it is already in the process of replacing with a new system that upon implementation in September 2008 will be compliant with the *Declaratory Ruling*.

¹ Public Notice, "Pleading Cycle Established for Embarq Petition for Limited Waiver," DA 08-151, released January 23, 2008.

² USTelecom is the premier trade association representing service providers and suppliers for the telecommunications industry.

³ See *Local Number Portability Porting Interval and Validation Requirements; Telephone Number Portability*, WC Docket No. 07-244, CC Docket No. 95-116, Declaratory Ruling, 22 FCC Rcd 19,531 (2007) ("*Declaratory Ruling*").

Moreover, because the local number porting process requires careful and precise communication between multiple carriers, the implementation of any significant changes to that process must be carefully coordinated between the ILEC and all other carriers that submit porting requests to that ILEC. All ILECs have procedures for ensuring that changes to these ordering systems are adequately communicated to other submitting carriers, and Bell Operating Companies (BOCs) in particular have detailed processes that were required by the Commission as a pre-requisite to long-distance entry. Efforts to short-circuit these processes would likely lead to precisely the types of errors carriers and the Commission sought to prevent through their adoption—inadvertent customer service disconnections. USTelecom therefore urges the Commission to grant all carriers subject to that decision a blanket waiver of the compliance deadline to July 31, 2008 to ensure an orderly transition to these new LNP requirements.⁴

I. THE COMMISSION'S *DECLARATORY RULING* AND CURRENT COMPLIANCE DEADLINE

On November 8, 2007, the Commission released its *Declaratory Ruling*, granting a petition filed by T-Mobile USA, Inc. and Sprint Nextel Corporation requesting clarification of carriers' rights and obligations for providing validation data in connection with the LNP process.⁵ The Commission concluded there that "carriers may not require the submission of information for purposes of the LNP process other than a reasonable amount to validate and complete the port."⁶ The Commission also recognized that there was currently no industry consensus on the data fields required to perform validation on

⁴ The waiver requested by USTelecom is expressly without prejudice to the right of any carrier to request the Commission further to extend that deferred compliance deadline, based upon a showing of good cause by that applicant.

⁵ See Public Notice, *Pleading Cycle Established for Comment on T-Mobile USA, Inc. and Sprint Nextel Corporation's Petition for Declaratory Ruling Regarding Number Portability*, 22 FCC Rcd 190 (2007).

⁶ *Declaratory Ruling*, 22 FCC Rcd at ¶ 46.

simple ports, and stated its belief that “the adoption of specific requirements will facilitate . . . enforcement . . . and minimize disputes among carriers.”⁷ The *Declaratory Ruling* therefore prescribed that:

LNP validation should be based on no more than four fields for simple ports (i.e., wireline-to-wireline, wireless-to wireless, and intermodal ports) and that those fields should be: (1) 10-digit telephone number; (2) customer account number; (3) 5-digit zip code; and (4) pass code (if applicable).⁸

Notwithstanding its express recognition elsewhere in the *Declaratory Ruling* that current carrier systems “might be designed to validate port requests [based] on a range of different information,”⁹ the Commission concluded that “affected entities must be in compliance with these validation requirements within 90 days of the date of *release*” of the *Declaratory Ruling*.¹⁰ That compliance deadline will become effective on February 6, 2008.

II GRANTING EMBARQ’S WAIVER PETITION IS IN THE PUBLIC INTEREST

Embarq’s petition provides a detailed showing that the relief it seeks is consistent with the interests of its customers and the Commission’s goals in adopting the *Declaratory Ruling*. The waiver request shows that, at the time the Commission issued its *Declaratory Ruling*, that carrier was already phasing out its current multiple ordering systems, including the Integrated Request Entry System (IRES), used for LNP requests, in favor of a single, improved system called Embarq Administration and Service Order Exchange (EASE) that is more compliant with recent industry standards and also

⁷ *Id.*

⁸ *Id.* (¶ 48).

⁹ *Id.* (¶ 46).

¹⁰ *Id.* (¶ 48) (emphasis added).

provides a variety of benefits to Embarq's customers. Embarq states that modifying its current ordering system to satisfy the *Declaratory Ruling*'s requirements would require significant process changes, and would involve differing methods for validating LNP requests depending upon the format in which a porting request is delivered to Embarq.

The costs of performing these modifications to the current ordering system, Embarq states, would be greater than those for provide compliance through the EASE system, which will require fewer code changes to implement the Commission's new validation requirements limiting such data to four fields. Moreover, because the current ordering system is imminently due to be phased out in any event, performing these duplicative and expensive efforts in that system would impose unnecessary costs and delay deployment of those same capabilities in Embarq's newer, more advanced ordering system. Embarq states that is conducting work on a module that will be deployed at the end of September 2008 that will address and comply with the validation obligations prescribed in the *Declaratory Ruling*.

Based on the foregoing showings, USTelecom concurs fully with Embarq that the extension for that carrier of the current February 6, 2008 compliance deadline is warranted in the public interest because it will satisfy the *Declaratory Ruling*'s goals while avoiding waste of resources and unreasonably denying customers the benefits of Embarq's new billing system.

II. THE COMPLIANCE DEADLINE FOR ALL OTHER CARRIERS SHOULD BE EXTENDED TO NOT LATER THAN JULY 31, 2008

Even apart from the company-specific circumstances that Embarq has described in its waiver petition, other carriers subject to the *Declaratory Ruling*'s compliance obligations are confronted with serious imminent burdens resulting from the current

deadline. As USTelecom has previously pointed out to the Commission staff in *ex parte* meetings and filings,¹¹ the changes in LNP validation processes prescribed in the *Declaratory Ruling* cannot be implemented within the 90 day time frame without impairing USTelecom's member companies' ability to satisfy the underlying purposes of other regulatory obligations or internal procedures intended to ensure orderly changes to ordering processes.

By its very nature, the local number porting process requires coordination and communication between the ILEC and the porting carrier. As a result, any changes to such processes must also be carefully coordinated. It is not sufficient for the ILEC to simply start requiring new verification fields, but rather there must be a coordinated and cooperative process by which such changes are effectuated and communicated to the carriers that will be submitting porting requests. This cooperation is necessary whether a particular ILEC's ordering systems are manual or automated.

The Commission has in the context of the numerous Section 271 Orders repeatedly emphasized the importance of appropriate "change management processes" for effectuating changes to ordering and provisioning systems. Indeed, the Commission mandated adherence to such processes as part of the BOCs' section 271 check-list obligations.¹² These plans were typically negotiated between the BOCs and competitive carriers operating in their regions, and so the precise details differ. But the approved timelines typically require the BOC to provide *detailed* notification of changes to other carriers 2-3 months prior to a change being implemented. Moreover, in order to ensure

¹¹ Letter dated December 17, 2007 from Glenn Reynolds, Vice President, Policy, US Telecom to Marlene Dortch, Secretary, FCC; letter dated December 20, 2007 from Glenn Reynolds, Vice President, Policy, USTelecom to Marlene Dortch, Secretary, FCC.

¹² See, e.g., *In the Matter of Application by BellSouth Corp. for Provision of In-Region, Inter-LATA Services in Georgia and Louisiana*, FCC 02-147 at para. 179 (CC Dkt 02-35, rel. May 15, 2002).

reasonable stability in ordering processes, there are a limited number of change releases in a given year that are scheduled well in advance—typically a year ahead of time.¹³ For many carriers, the February 6, 2008 deadline for compliance with the *Declaratory Ruling* date was too soon to implement a CLEC-affecting change of this magnitude given the necessity for creating business and technical requirements, system coding and testing (including user testing).¹⁴

While these specific regulatory obligations pursuant to section 271 are limited to the BOCs, the importance of adequate time to implement changes to ordering processes is essential for all ILECs. If both the ILEC and the carrier submitting a porting request have not effectively coordinated these changes, the likely result is that either the request will be rejected or a customer will lose service.

Additionally, the Ordering and Billing Forum (OBF) of the Alliance for Telecommunications Industry Solutions (ATIS) has only recently filed with the Commission a letter providing optional guidelines for validation of simple ports to comply with the Commission's *Declaratory Ruling* requirements for validation using not more than the four prescribed fields.¹⁵ Those optional guidelines are effective concurrently with the present compliance deadline under the *Declaratory Ruling*. Because these ATIS guidelines have only recently been promulgated, industry

¹³ Although limited exceptions to these obligations are provided where a change is mandated by a regulatory obligation, the rationale behind providing sufficient time for creating technical specifications and testing is no less applicable.

¹⁴ For example, Verizon implements only three competitor-affecting releases per year (in February, June, and October). Given the release date of the *Declaratory Order*, the negotiated and approved change management procedures could not have been completed as part of the February release. Verizon has advised USTelecom that it expects to complete the changes attendant to compliance with the *Declaratory Ruling* in its June release. AT&T has advised USTelecom that it expects to complete implementation of these changes as part of its currently scheduled July release.

¹⁵ See Letter dated January 16, 2008 from Thomas Goode, ATIS General Counsel, to Dana Shaffer, Chief, Wireline Competition Bureau, FCC, attaching ATIS 0405085-0801, Simple Port Service Request (SPSR) Preparation Guide.(Issued February 6, 2008)

participants should be provided a reasonable interval in which to digest their contents, to decide whether to implement their contents in their own systems and processes, and to conduct appropriate testing to assure that validation processes applying these guidelines will function as intended.

Deferring the current deadline for compliance with the *Declaratory Ruling's* validation requirements will also serve the interests of customers no less than those of carriers attempting to validate and process LNP requests in accordance with the Commission's new requirements. Unless validation is correctly performed to assure that numbers being "ported out" are in fact those for which requests have been submitted to the current carrier, there is a significant risk that the incorrect customer's number may be ported, resulting in inadvertent disconnection of that subscriber. This serious potential problem, with its attendant confusion and inconvenience to affected customers, can be ameliorated by allowing carriers subject to the *Declaratory Ruling* additional time to implement the new validation obligations.

IV. CONCLUSION


USTelecom's member companies are moving ahead as quickly as practical in implementing the new porting obligations mandated by the Commission in the *Declaratory Ruling*. However, we urge the Commission to allow adequate time for implementing those rules in a manner that allows for an orderly transition and does not risk significant customer-affecting errors. Specifically, for the reasons detailed above, the Commission should grant all carriers subject to the *Declaratory Ruling* a waiver of that compliance deadline to July 31, 2008. Grant of this relief will permit carriers to effectuate the Commission's underlying objective of minimizing the validation data

requested in connection with the porting process, without imposing undue compliance burdens on carriers or creating unnecessary risks of inadvertent disconnection of customers when porting their numbers.

The Commission should also grant the separate company-specific extension of time requested by Embarq to comply with the Commission's newly-prescribed LNP validation requirements in a manner that will allow Embarq effectuate those procedures in its new billing system now undergoing deployment, without the need for burdensome and duplicative modifications to the billing system that is in the process of being superseded.

Respectfully submitted,

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